IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NCR Docket No. 8598

Application of:

BOLAND, K. et al.	Group Art Unit: 3639
Serial No. 09/735,835	Examiner: Borissov, Igor N.
Filed: December 13, 2000	

For: INTERACTION-BASED SERVICING OF BUSINESS CUSTOMERS

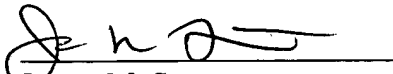Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing is an Appeal Brief to the Final Rejection dated May 19, 2005.

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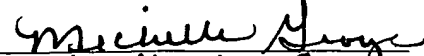☒ Please charge any additional fees to the account of NCR Corporation, Deposit Account No. 14 0225.
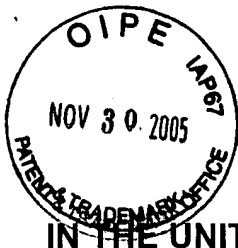
Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

Docket No. 8598

Application of:

Vernon Keith Boland et al.   Group Art Unit: 3639

Serial No. 09/735,835   Examiner: Igor N. Borissov

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For: **INTERACTION-BASED SERVICING OF BUSINESS CUSTOMERS**

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P.O. Box 1450
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BRIEF ON APPEAL

Sir:

This is an appeal under 37 CFR 41.31 to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office from the final rejection of claims 1-5, 7-10, 13, 15-18 and 20-24 of the above-identified patent application. The claims were finally rejected in an Office Action dated May 19, 2005.

(I) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation.

(II) RELATED APPEALS AND INTERFERENCES

There are currently no known active appeals or interferences related to the present application.

(III) STATUS OF CLAIMS

Claims 1-5, 7-10, 13, 15-18 and 20-24 are pending in the application.

Claims 1-5, 7-10, 13, 15-18 and 20-24 are all rejected and are being appealed. Such claims are shown in the Appendix attached to this Appeal Brief

(IV) STATUS OF AMENDMENTS

A response to the Final Rejection dated May 19, 2005 was filed on September 19, 2005. The response presented amendments to claims 1, 3, 4, 5, 8, 9 and 10 to address a rejection of claims 1-5 and 7-10 under 35 U.S.C. §101. The Advisory Action dated October 12, 2005 indicated that the amendments to claim 1, 3, 4, 5, 8, 9 and 10 was entered. Accordingly, the listing of claims attached to this Appeal Brief includes the amendments presented in Applicant's September 19, 2005 response.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

The invention of claims 1-5 and 7 relates to a method of operating a business electronic processing unit to generate a context for an interaction between a consumer and a business. Independent claim 1 recites the steps of: storing historical interaction data between a consumer and a business in a computerized, network accessible historical interaction database, the historical interaction data

regarding previous interactions between the business and the consumer (See, e.g., Applicant's specification at page 17, lines 1 through 11 and Fig. 3, elements 62 and 63); receiving a communication from the consumer during a current interaction between the business and the consumer through an electronic device to identify interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction (See, e.g., Applicant's specification at page 17, lines 12 through 16 and Fig. 3, element 66); and electronically accessing said historical interaction database in accordance with the received communication to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer.operating a businessor generating a context for a customer/business interaction from a database of stored historical interaction data between a consumer and a business (See, e.g., Applicant's specification at page 17, line 12 through page 18, line 3 and Fig. 3, elements 68 and 70).

The invention of claims 8, 9 and 10 relates to a method of interaction between a business and a consumer. Independent claim 8 recites the steps of: maintaining a computerized, network accessible database of past interaction data from previous consumer to business interactions (See, e.g., Applicant's specification at page 17, lines 1 through 11; page 11, lines 3 through 5; Fig. 3, elements 62 and 63; and Fig. 2, element 48); receiving a communication from the consumer during a current interaction between the business and the consumer (See, e.g., Applicant's specification at page 17, lines 12 through 16 and Fig. 3, element 66); electronically identifing interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction (See, e.g., Applicant's specification at page 17, lines 12 through page 18, line 3); and electronically accessing said historical interaction database in accordance with the received communication to obtain said identified interaction

data thereby providing a context for the current interaction between the business and the consumer (See, e.g., Applicant's specification at page 17, line 12 through page 18, line 3 and Fig. 3, elements 68 and 70).

The invention of claims 13, 15, 16 an 17 relates to a method for generating context for an e-mail from a consumer to a business regarding an Internet site of the business. Independent claim 13 recites the steps of: storing historical interaction data between a consumer and a business in a computerized, network accessible historical interaction database, the historical interaction data regarding previous interactions between the business and the consumer (See, e.g., Applicant's specification at page 17, lines 1 through 11; page 11, lines 3 through 5; Fig. 3, elements 62 and 63; and Fig. 2, element 48); receiving an e-mail originating from an Internet terminal of a consumer, the e-mail having consumer identification data and consumer Internet session history data identifing interaction data associated with a previous interaction between the business and the consumer which is relevant to a current interaction between the business and the consumer (See, e.g., Applicant's specification at page 23, lines 1 through 10 and Fig. 7); accessing said historical interaction database in accordance with the received e-mail to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer (See, e.g., Applicant's specification at page 20, line 23 through page 21, line 3); and generating a response to the email in accordance with the consumer identification data, the consumer Internet session history data, and the accessed historical interaction data (See, e.g., Applicant's specification at page 4, lines 12 through 14).

The invention of claims 18 and 20 relates to an apparatus for establishing a context of an interaction between a consumer and a business. The apparatus recited in independent claim 18 includes: a data storage adapted to retain historical consumer to business interaction data regarding previous interactions between the

business and a consumer (See, e.g., Applicant's specification at pages 9 through 16 and Fig. 2, element 48); means for receiving a communication from the consumer during a current interaction between the business and the consumer to identify interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction (See, e.g., Applicant's specification at page 6, lines 6 through 18; Fig. 1, element 16; pages 9 through 16; and Fig. 2, elements 32, 34, 36, 38 and 40); and means for accessing said historical interaction database in accordance with the received communication to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer (See, e.g., Applicant's specification at page 11, line 14 through page 12, line 8; page 16, lines 19 through 22; and Fig. 2, elements 44 and 50).

The invention of claims 21 through 24 relates to system for providing the context of a new customer interaction. The system recited in independent claim 21 includes: an input device operable to receive data about interactions with a customer (See, e.g., Applicant's specification at page 6, lines 6 through 18; Fig. 1, element 12; pages 9 through 16; and Fig. 2, elements 22, 24, 26, 28 and 30)); a database operable to store the data about the interactions with the customer received by the input device (See, e.g., Applicant's specification at pages 9 through 16 and Fig. 2, element 48); an output device operable to output the stored data about interactions with the customer (See, e.g., Applicant's specification at page 11, line 14 through page 12, line 8; page 16 and Fig. 2, element 44); and a processor operably connected to the input device, the database and the output device and programmed to store the data about interactions with the customer received by the input device into the database, evaluate data associated with a new interaction with the customer, identify stored data associated with a previous interaction between the business and the consumer which is relevant to said new

interaction, retrieve the identified stored data thereby providing a context for at least some of the data associated with the new interaction with the customer, and output the retrieved data (See, e.g., Applicant's specification at page 11, line 14 through page 12, line 8; page 16, lines 19 through 22; and Fig. 2, elements 44 and 50).

(VII) ARGUMENT

<u>Rejection of claims 1-5 and 7-10 under 35 U.S.C. §101</u>

Claims 1, 3, 4, 5, 8, 9 and 10 were amended in a response to the Final Rejection filed on September 19, 2005 to address a rejection of claims 1-5 and 7-10 under 35 U.S.C. §101. As the Advisory Action dated October 12, 2005 indicated that the amendments to claim 1, 3, 4, 5, 8, 9 and 10 was entered, and the rejection of claims 1-5 and 7-10 under 35 U.S.C. §101 was not repeated in the Advisory Action, it is believed that the rejection of claims 1-5 and 7-10 under 35 U.S.C. §101 have been overcome.

<u>Rejection of claims 1-5, 7-10, 13, 15-18 and 20-24 under 35 U.S.C. §102(e)</u>

The present invention, as recited in method claim 1, includes the steps of (1) storing historical interaction data between a consumer and a business in a computerized, network accessible historical interaction database, the historical interaction data regarding previous interactions between the business and the consumer; (2) receiving a communication from the consumer during a current interaction between the business and the consumer through a device to identify interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction; and (3) accessing said historical interaction database in accordance with the received communication to

obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer.

It is significant to note that the communication received from the consumer functions to identify interaction data associated with a previous interaction between the business and the consumer *which is relevant to said current interaction* and thereby *provides a context for the current interaction.*

The system described in Gardenswartz et al. provides advertisements to an on-line consumer, however, these advertisements are not provided to the consumer to provide context to a current customer interaction. The present Office Action refers to Garderswartz as teaching stored purchase history information including a customer's credit card number, social security account number, driver's license number, loyalty card number, name, address and telephone number. However, this payment and identity information does not provide context to a current customer interaction, as required in each claim of the present application.

It should also be noted that the invention recited in each claim remaining of the present application includes limitations relating a current interaction between a business and a consumer to a prior interaction between the same business and same consumer to provide context to the current interaction. It is not seen that the offline purchase history of a consumer; targeted advertisments provided to the consumer; or access to a customer's credit card number, social security account number, driver's license number, loyalty card number, name, address and telephone number disclosed in Gardenswartz et al. associate a particular business with the consumer or provide contaxt to a current interaction with the consumer.

Review of the present application and claims with consideration of the foregoing comments, and reconsideration of the rejection of claims 23, 25-27, 28 and 30-32, are respectfully requested.

Respectfully submitted,

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(VIII) CLAIMS APPENDIX

1. (previously presented) A method of operating a business electronic processing unit to generate a context for an interaction between a consumer and a business comprising:

storing historical interaction data between a consumer and a business in a computerized, network accessible historical interaction database, the historical interaction data regarding previous interactions between the business and the consumer;

receiving a communication from the consumer during a current interaction between the business and the consumer through an electronic device to identify interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction; and

electronically accessing said historical interaction database in accordance with the received communication to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer.

2. (previously presented) The method of claim 1, wherein the communication through the device is received via an access channel.

3. (previously presented) The method of claim 1, further comprising:
electronically mining the interaction data from previous consumer to business interactions to generate historical interaction data; and

the storage of historical interaction data between a consumer and a business includes storing the mined interaction data from the previous consumer to business interactions in the historical interaction database.

4. (previously presented) The method of claim 1, further comprising: electronically transmitting the historical interaction data to the electronic device through which the communication was received.

5. (previously presented) The method of claim 4, wherein the transmission of the historical interaction data to the consumer includes providing the historical interaction data to the consumer in a consumer actionable format at the electronic device utilized for the current interaction.

6. (canceled)

7. (previously presented) The method of claim 1, wherein the communication includes consumer identification data.

8. (previously presented) A method of interaction between a business and a consumer comprising:

maintaining a computerized, network accessible database of past interaction data from previous consumer to business interactions;

receiving a communication from the consumer during a current interaction between the business and the consumer;

electronically identifing interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction; and

electronically accessing said historical interaction database in accordance with the received communication to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer.

9. (previously presented) The method of claim 8, wherein the communication is received via an electronic access channel.

10. (previously presented) The method of claim 8, further comprising: electronically mining the interaction data from previous consumer to business interactions to generate historical interaction data; and

the maintenance of past interaction data includes storing the mined interaction data in the past interaction database.

11. (canceled)

12. (canceled)

13. (previously presented) A method for generating context for an e-mail from a consumer to a business regarding an Internet site of the business, the method comprising:

storing historical interaction data between a consumer and a business in a computerized, network accessible historical interaction database, the historical interaction data regarding previous interactions between the business and the consumer;

receiving an e-mail originating from an Internet terminal of a consumer, the e-mail having consumer identification data and consumer Internet session history data identifing interaction data associated with a previous interaction between the business and the consumer which is relevant to a current interaction between the business and the consumer;

accessing said historical interaction database in accordance with the received e-mail to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer; and

generating a response to the email in accordance with the consumer identification data, the consumer Internet session history data, and the accessed historical interaction data.

14. (canceled)

15. (previously presented) The method of claim 13, further comprising:
automatically generating a template e-mail on the Internet terminal of the consumer in response to the consumer selecting an e-mail link on the business Internet site, the template e-mail including the consumer identification data and the consumer Internet session history.

16. (previously presented) The method of to claim 15, further comprising:
automatically invoking an e-mail program on the Internet terminal of the consumer in response to the consumer selecting the e-mail link on the business Internet site and providing the template e-mail to the e-mail program.

17. (previously presented) The method of claim 13, further comprising:
mining interaction data from previous consumer to business interactions; and

storing the mined interaction data from the previous consumer to business interactions in a historical interaction database.

18. (previously presented) An apparatus for establishing a context of an interaction between a consumer and a business comprising:

a data storage adapted to retain historical consumer to business interaction data regarding previous interactions between the business and a consumer;

means for receiving a communication from the consumer during a current interaction between the business and the consumer to identify interaction data associated with a previous interaction between the business and the consumer which is relevant to said current interaction; and

means for accessing said historical interaction database in accordance with the received communication to obtain said identified interaction data thereby providing a context for the current interaction between the business and the consumer.

19. (canceled)

20. (previously presented) The apparatus of claim 18, wherein the means for receiving a communication from the consumer is coupled to an access channel.

21. (previously presented) A system for providing the context of a new customer interaction comprising:

an input device operable to receive data about interactions with a customer;

a database operable to store the data about the interactions with the customer received by the input device;

an output device operable to output the stored data about interactions with the customer; and

a processor operably connected to the input device, the database and the output device and programmed to store the data about interactions with the

customer received by the input device into the database, evaluate data associated with a new interaction with the customer, identify stored data associated with a previous interaction between the business and the consumer which is relevant to said new interaction, retrieve the identified stored data thereby providing a context for at least some of the data associated with the new interaction with the customer, and output the retrieved data.

22. (previously presented) The system of claim 21, wherein:

the data about interactions with the customer comprises data identifying a first good purchased by the customer;

the data associated with the new interaction with the customer comprises data that identifies the first good purchased by the customer; and

the retrieved data comprises data associated with the first good purchased by the customer.

23. (previously presented) The system of claim 21, wherein:

the data about interactions with the customer comprises data identifying a first interaction with the customer, a second interaction with the customer and a third interaction with the customer;

the data associated with the new interaction with the customer comprises data that identifies the second interaction with the customer; and

the retrieved data comprises data associated with the second interaction with the customer, and the data identifying the first interaction with the customer and the second interaction with the customer is not retrieved.

24. (previously presented) The system of claim 21, wherein:

the data about interactions with the customer comprises data identifying a first service provided to the customer;

the data associated with the new interaction with the customer comprises data that identifies the first service provided to the customer; and

the retrieved data comprises data associated with the first service provided to the customer.